



Preserving America's Heritage

September 10, 2010

Ms. Elizabeth Zelasko
Federal Preservation Officer
Federal Transit Administration, E45-340
1200 New Jersey Ave. SE
Washington, DC 20590

*RE: Honolulu High-Capacity Transit Corridor Project
Honolulu, Hawaii*

Dear Ms. Zelasko:

The Federal Transit Administration (FTA) recently requested that the Advisory Council on Historic Preservation (ACHP) review revised draft stipulations for a programmatic agreement (PA) for the referenced undertaking. FTA has determined that this undertaking will have an adverse effect on historic properties listed in and eligible for listing in the National Register of Historic Places. The ACHP is actively participating in the Section 106 consultation process in accordance with 36 CFR §800.6(b)(2) of the ACHP's regulations, "Protection of Historic Properties," and submit our comments accordingly.

Language describing the role of an independent project manager to provide oversight for the completion of post-agreement reviews and other products stipulated by the PA has been proposed by the Hawaii State Historic Preservation Officer (SHPO) and discussed among the proposed signatories and invited signatories to the PA during a teleconference this week. The ACHP endorses the concept of an entity to ensure that all post-agreement reviews are carried out with minimum delay and in accordance with the standards established by the PA. The ACHP collaborated with the Hawaii SHPO and National Park Service (NPS) staff in drafting language provided to you, and we urge FTA's consideration of incorporating such a stipulation in the final PA.

The Hawaii SHPO has also raised concerns about the adequacy of provisions in the PA to mitigate indirect and cumulative effects on historic districts. While we and other consulting parties are limited in that specific effects cannot be fully anticipated and described at this time, it is reasonably foreseeable that the construction of a transit line will lead to a variety of changes along its route, including visual and audible effects and changes in land use and access. We can anticipate that such changes may take forms not currently envisioned by the federal and local planning processes. The ACHP, therefore, believes that FTA and the City and County of Honolulu (City) should include in the PA contingencies to address indirect and cumulative effects

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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that may result from implementation of the undertaking. The inclusion of a contingency stipulation will ensure that unanticipated effects are addressed in a timely and inclusive manner and avoidance and mitigation strategies are explored.

Regarding other items in the PA draft, we would like to clarify that the City, as an applicant for federal assistance, is properly characterized as an invited signatory per 36 CFR 800.6(c)(2). Our regulations are specific about which parties are "signatories" when the ACHP is participating in consultation [§800.6(c)(1)(ii)].

We understand that the Navy may have reconsidered joining consultation so that this PA would also address the Navy's Section 106 responsibilities for portions of the undertaking occurring on its property. Please ensure that all consulting parties are notified of any change and informed about how FTA and the Navy intend to coordinate their Section 106 reviews, including whether FTA shall act as lead agency according to the provisions of §800.2(a)(2). If the Navy uses this PA to satisfy its Section 106 compliance responsibilities, then the Navy should also be a signatory per §800.6(c)(1)(ii).

We appreciate your consideration of these comments and look forward to reviewing a draft of the PA incorporating the results of FTA's recent teleconference with the City, SHPO, ACHP, and NPS. Should you have any questions or wish to discuss this matter further, please contact Blythe Semmer at (202) 606-8552 or via email at bsemmer@achp.gov.

Sincerely,

A handwritten signature in cursive script, reading "Charlene Dwin Vaughn".

Charlene Dwin Vaughn, AICP
Assistant Director
Office of Federal Agency Programs
Federal Permitting, Licensing, and Assistance Section